

REMARKS

Claims 1, 3-11, 13-20, and 22-25 were pending when the application was last examined. Claim 3 is canceled. Claims 1 and 11 are amended. New claims 26-29 are added. No new matter has been introduced. Claims 1, 4-11, 13-20, and 22-29 are pending, of which, claims 1, 11 and 26 are independent.

I. Claim Rejections under 35 U.S.C. §102(b)

Claims 1, 3-4, 9-11, 13, 18-20 and 22-25 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Pinard (U.S. Patent No. 5,898,432). In response, Applicants respectfully traverse this rejection in view of Applicants' amendments to claims 1 and 11 and further in view of the following arguments. In addition, claim 3 is being canceled without prejudice.

Without admitting that Pinard taught or suggested any of the limitations of the original claim 1, to facilitate the speedy prosecution of this patent application, this claim is being amended to recite "A method for managing dynamic context comprising: storing associations between at least one activity stream and at least one representation element, the activity stream based on an activity beyond a perception of a user; synthesizing a human sensible attribute of at the least one representation element responsive to changes in the at least one activity stream and the stored associations; determining a focus of attention of the user; selecting at least one of the at least one representation elements at a periphery of the focus of attention; and presenting the synthesized human sensible attribute using the selected at least one representation element to the user; wherein varying portions of a graphical user interface associated with the at least one representation element are being used in informing the user of the changes in the at least one

activity stream.” (Emphasis added.) Support for these amendments may be found throughout the specification and drawings and, for example, in figures 4 and 5 and on page 5, lines 3-6, lines 9-11, page 9, lines 17-19. Applicants respectfully submit that claim 1, as amended, is not anticipated by Pinard.

In rejecting claim 1 over Pinard, the Office Action first cites col. 1, lines 52-63 of Pinard for the alleged teaching that the “user’s focus of attention is determined by the position of the cursor.” (Office action, p. 3.) Later, in rejecting claim 3, the same Office Action cites to figures 2-5 of Pinard for the alleged teaching that “the selected representation element is at the periphery of the user’s focus of attention.” (Id.) The aforesaid two statements in the Office Action are contradictory and mutually exclusive. Specifically, the Examiner’s position that Pinard allegedly teaches “the selected representation element is at the periphery of the user’s focus of attention” is contrary to the teaching of Pinard that “It is important to recognize that the user positions the cursor at a location where the user’s attention is focused.” (Pinard, col. 3, lines 34-35, emphasis added.)

As such, Pinard does not teach or suggest “selecting ... representation elements at a periphery of the focus of attention; and presenting the synthesized human sensible attribute using the ... representation element,” as recited in the amended claim 1. Therefore, Pinard fails to teach or suggest all the limitations of the amended claim 1 and, therefore, the amended claim 1 is not anticipated by Pinard.

Without admitting that Pinard taught or suggested any of the limitations of the original claim 11, to facilitate the speedy prosecution of this patent application, this claim is being

amended to recite “A system for managing dynamic context, comprising: at least one synthesizer circuit, each synthesizer circuit synthesizing at least one human-sensible attribute of at least one representation element based on changes in at least one activity stream, the activity stream based on an activity that is beyond a user’s perception; a memory that stores associations between the at least one activity stream, the at least one representation element and the synthesizer circuit; a user focus of attention determining circuit that determines the user’s focus of attention; and a user interface operable to present the synthesized human sensible attribute to the user using a selected at least one representation element, wherein varying portions of the user interface in a periphery of the user’s focus of attention are being used to inform the user of the changes in the at least one activity stream.” (Emphasis added.) Applicants respectfully submit that claim 11, as amended, is not anticipated by Pinard.

As explained above with reference to claim 1, Pinard does not teach or suggest “varying portions of the user interface in a periphery of the user’s focus of attention is used to inform the user of the changes in the at least one activity stream,” as specifically recited in the amended claim 11.

Accordingly, both of the amended independent claims 1 and 11 are distinguished from Pinard and patentable over this reference at least for the above-stated reasons.

With respect to claims 2-4, 9-11, 13, 18-20 and 22-25, while continuing to respectfully traverse the Examiner’s characterization of the teachings of Pinard used by the Examiner in rejecting those claims, Applicants respectfully submit that the rejection of claims 2-4, 9-11, 13, 18-20 and 22-25 is rendered moot by the present amendment of the parent claims 1 and 11 and

that these claims are patentable by definition, at least by virtue of their dependence on the patentable amended claims 1 and 11. Thus, withdrawal of the rejections and allowance of these claims are respectfully requested.

II. Claim Rejections under 35 U.S.C. §103

Claims 5-8 and 4-17 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Pinard in view of Tavori (U.S. Patent No. 5,724,025). In response, Applicants respectfully traverse this rejection in view of the Applicants' amendments to the parent claims 1 and 11 and further in view of the following arguments.

The Office Action cites Tavori for the alleged teaching a computer with a graphical display and for the alleged teaching that the human-sensible attribute is synthesized based on a selected range. (Office Action, p. 5.) These alleged teachings of Tavori do not cure the deficiencies of Pinard that have been identified with reference to independent claims 1 and 11.

Accordingly, the amended claims 1 and 11 and, therefore, their dependent claims 5-8 and 4-17 are believed to be patentable over the combination of Pinard and Tavori. Moreover, with respect to claims 5-8 and 4-17, while continuing to respectfully traverse the Examiner's characterization of the teachings of Pinard used by the Examiner in rejecting those claims, Applicants respectfully submit that the rejection of claims 5-8 and 4-17 is rendered moot by the present amendment of the parent claims 1 and 11 and that these claims are patentable by definition, at least by virtue of their dependence on the patentable amended claims 1 and 11. Thus, withdrawal of the rejections and allowance of these claims are respectfully requested.

III. New Claims

New claims 26-29 are added to more fully recite the invented subject matter. Support for these claims may be found, for example, in figures 8 and 9 of the drawings and on pages 16-20 of the specification. Independent claim 26 recites “A method for dynamically managing a focus and a periphery of attention of a user of a primary document on a display: determining the focus of attention of the user; detecting a change in an activity stream, the activity stream occurring outside of perception of the user; determining a representation element associated with the activity stream, the representation element having human sensible attributes; and changing the human sensible attributes responsive to the change in the activity stream, wherein the changing of the human sensible attributes is adapted to be sensed by the user in the periphery of attention of the user.” (Emphasis added.)

As explained above, Pinard does not teach or suggest that “changing of the human sensible attributes is adapted to be sensed by the user in the periphery of attention of the user” of claim 26 or “variations in the human sensible attributes indicate, unobtrusively to the user, the changes in the selected activity” of claim 29. Claim 26 is believed to be patentable over Pinard and claims 27-29 are believed to be patentable at least for their dependence from claim 26. Allowance of these claims is respectfully requested.

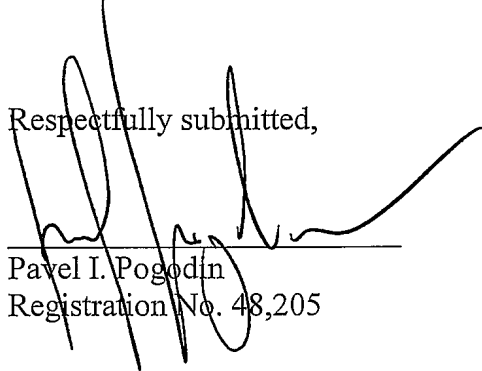
IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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